

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 26, 2004
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:13 p.m. The annual Satisfaction Awards sponsored by the Union Bank honoring City Departments were presented. Mayor Murphy recessed the meeting at 2:59 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:07 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:41 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:49 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:09 p.m. into Closed Session to be held on Tuesday, April 27, at 9:00 a.m. in the 12th floor committee room to discuss pending litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour/Lane (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Rodger Gredvig
of Peace Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Inzunza.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

03/29/2004

03/30/2004

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:16 a.m. – 2:16 a.m.)

MOTION BY ATKINS TO APPROVE. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: San Diego Architecture and Engineering Recruitment Consortium Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1002) ADOPTED AS RESOLUTION R-299105

Acknowledging the commitment to diversity shown by the dedicated member firms of the San Diego Architecture and Engineering Recruitment Consortium (Consortium);

Proclaiming April 26, 2004 to be "San Diego Architecture and Engineering Recruitment Consortium Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:28 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *State of California v. City of San Diego*
U.S. District Court No. 03-CV-1381-B

REFERRED TO CLOSED SESSION OF MONDAY, APRIL 26, 2004

SDCA assigned: Ted Bromfield

The Regional Water Quality Control Board [Regional Board] initiated this case on July 3, 2003, in conjunction with a companion action filed by the United States, seeking remedies and penalties for sanitary sewer overflows from December 1996 to the present. The City has consolidated these two cases with a private action filed by BayKeeper/Surfrider Foundation and has been pursuing a consent decree that would resolve all actions. In the Regional Board action, the complaint focuses on sewer overflows that amount to approximately 2.7 million gallons. This amount was increased on February 22, 2004, when the City experienced a 4.6 million gallon spill into San Diego Bay caused by rocks clogging a sewer line near the Naval Medical Center.

The City Attorney will discuss the strengths and weaknesses of the City's position and is seeking authorization to make a settlement offer to resolve all spills through date of settlement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:08 p.m. – 6:08 p.m.)

Mayor Murphy closed the Hearing.

CS-2 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; SDSC Case No. GIC 692794
Otay Acquisitions v. City of San Diego
SDSC Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
SDSC Case Nos. GIC 791407; GIC 805465

REFERRED TO CLOSED SESSION OF MONDAY, APRIL 26, 2004

ACA assigned: Les Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The *Border Business Park* case resulted in a jury verdict against the City which is now on appeal. The *National Enterprises* and *Otay Acquisitions* cases are currently awaiting trial in the Superior Court. In closed session, the City Attorney will report on the status of on-going settlement negotiations and request further direction regarding those negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:08 p.m. – 6:08 p.m.)

Mayor Murphy closed the Hearing.

CS-3 *Chargers Football Company, LLC v. City of San Diego*
Los Angeles Superior Court No. BC 306 758

REFERRED TO CLOSED SESSION OF MONDAY, APRIL 26, 2004

ACA assigned: Les Girard

This matter concerns the litigation filed by the San Diego Chargers [Chargers] against the City of San Diego [City], and the City's related cross complaint against the Chargers, over the validity of the "trigger" notice delivered to the City by the Chargers in March of 2003 pursuant to the 1995 agreement for the use of Qualcomm Stadium [1995 Agreement]. In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation and the status of any discussions with the Chargers concerning a proposal made by certain private citizens to end the litigation and modify the 1995 Agreement.

The proposal made by the private citizens would generally 1) require the Chargers to play at Qualcomm Stadium through the 2008 season; 2) permit the Chargers to play at the stadium on a year-to-year basis thereafter, but the Chargers could terminate the lease and leave San Diego; 3) eliminate the “ticket guarantee”; 4) require the Chargers to pay a flat rent of \$2 million per year through the 2008 season, and for each season the Chargers play at Qualcomm Stadium thereafter; and 5) if the Chargers terminate the lease after the 2008 season, the Chargers would pay the remaining principle on the City’s bonds issued to improve the stadium in 1997, with a reduction in that payment if the lease is not terminated until after the 2011 season.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:08 p.m. – 6:08 p.m.)

Mayor Murphy closed the Hearing.

Conference with Real Property Negotiator, pursuant to California Government Code section 5495638:

CS-4 Property	Approximately 1.25 acres located in the City of Santee on the east side of Highway 67 at the north terminus of Graves Avenue (APN 384-120-38)
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REFERRED TO CLOSED SESSION OF MONDAY, APRIL 26, 2004

City Negotiator: William T. Griffith, Real Estate Assets Director

Negotiation: Padre Dam Municipal Water District

Under Negotiation: Terms of potential disposition of property

ACA Assigned: Les Girard

This matter involves an unsolicited offer made by Padre Dam Municipal Water District to purchase approximately 1.25 acres of City-owned property located in Santee for \$2,500. City staff will be seeking direction on whether to respond to this exclusive sale request, and if so, on what price and terms.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:08 p.m. – 6:08 p.m.)

Mayor Murphy closed the Hearing.

CS-5 Property: Qualcomm Stadium

REFERRED TO CLOSED SESSION OF MONDAY, APRIL 26, 2004

City Negotiator: Council Member Michael Zucchet, Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert J. Kheel

Negotiating Party: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

ACA assigned: Les Girard

This matter involves negotiations authorized by the City Council in March of 2003 between the City of San Diego (City) and San Diego Chargers (Chargers) regarding the Qualcomm Stadium site, pursuant to both the recommendations of the Citizens' Task Force on Chargers Issues and the "Trigger Notice" sent to the City by the Chargers in March of 2003.

In closed session, the City's negotiating team will report to the City Council on the status of any discussion with the Chargers concerning a proposal made by certain private citizens to end the current litigation between the City and the Chargers, and modify the 1995 agreement for the use of Qualcomm Stadium by the Chargers. Please see the description on the closed session agenda under "pending litigation" – *Chargers LLC v. City* for a description of the proposal made by the private citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:08 p.m. – 6:08 p.m.)

Mayor Murphy closed the Hearing.

Conference concerning the salary and fringe benefits of the unrepresented employees, pursuant to Government Code section 54957.6:

CS-6 In closed session, the City Manager and the Head of Human Resources will review with the City Council the City's position with respect to the salary and fringe benefits of the unrepresented and unclassified employees, and request instructions from the City Council as to those matters.

REFERRED TO CLOSED SESSION OF MONDAY, APRIL 26, 2004

HDCA assigned: Chris Morris

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:09 p.m. – 6:09.m.)

Mayor Murphy closed the Hearing.

* ITEM-50: Amendment to Tenant's Right to Know (Cause Eviction) Ordinance Section 98.0730.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/12/2004 (Council voted 5-3. Councilmembers Peters, Maienschein, and Madaffer voted nay. Mayor Murphy not present):

(O-2004-122) ADOPTED AS ORDINANCE O-19274 (New Series)

Amending Chapter 9, Article 8, Division 7 of the San Diego Municipal Code by amending Section 98.0730, pertaining to Cause for Residential Evictions.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-nay, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-ineligible.

- * ITEM-51: Exempting a Program Coordinator Position in the San Diego City Employees' Retirement System from the Classified Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/12/2004 (Council voted 8-0. Councilmember Zucchet not present):

(O-2004-117) ADOPTED AS ORDINANCE O-19275 (New Series)

Exempting a Program Coordinator position in the San Diego City Employees' Retirement System from Classified Service to Unclassified Service.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-52: Installation of Parking Meters at Beech Street, Columbia Street, and State Street.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-120) INTRODUCED, TO BE ADOPTED ON TUESDAY,
MAY 17, 2004

Introduction of an Ordinance establishing parking meter zones at the following locations, pursuant to the authority of Section 22508 of the California Vehicle Code and in accordance with the provisions of Section 86.11 of the San Diego Municipal Code:

South side of Beech Street, between Columbia Street and State Street;

East side of Columbia Street, between Ash Street and Beech Street; and

West side of State Street, between Ash Street and Beech Street.

Declaring that the above-described meters shall be in parking meter Rate Zone A as described in Section 86.13 of the San Diego Municipal Code;

Declaring that a parking time limit of two hours shall be in effect in the above-described locations between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, as provided in Section 86.16 of the San Diego Municipal Code;

Authorizing the installation of the parking meters and the necessary signs and markings to be made in the above-described locations.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a two-hour metered time limit parking zone effective between 8:00 a. m. and 6:00 p. m. Sundays and certain holidays excepted, at the following streets:

Beech Street, south side, between Columbia Street and State Street;

Columbia Street, east side, between Ash Street and Beech Street;

State Street, west side, between Beech Street and Ash Street.

Council approval is required according to Municipal Code Section 82.04. A petition representing Watt Little Italy, LLC, owner of the subject fronting property, was submitted in support of this action. The Centre City Development Corporation supports this action.

FISCAL IMPACT:

\$10,000 total. Funding for the installation of the parking meters will be shared by the City and CCDC. CCDC will pay \$4,500 from parking meter revenues, and the City will pay \$5,500. Funds for the installation of these parking meters are not budgeted. The expenditure of \$5,400 on parking meters will be partially offset by the generation of up to \$3,850 in meter revenue to the General Fund in FY04 and \$15,400 annually thereafter.

Loveland/Belock/DVW

Aud. Cert. 2400944.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Two actions related to Inviting Bids for Torrey Pines Road/La Jolla Boulevard Water Main Replacement – Phase 2.

(See memorandum from Larry Gardner dated 1/7/2004. La Jolla and Pacific Beach Community Areas. Districts-1 and 2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1063) ADOPTED AS RESOLUTION R-299106

Approving the plans and specifications for the construction of Torrey Pines Road/La Jolla Boulevard Water Main Replacement – Phase 2 (Project), on Work Order No. 186331;

Authorizing the City Manager after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$7,994,130 providing that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$7,640,527 from Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Water Main Replacement Project (Torrey Pines Road/La Jolla Boulevard Water Main Replacement Project – Phase 2) and an amount not to exceed \$303,603 from Water Fund 41500, CIP-73-331.0, Annual Allocation – Water Pooled Contingency, for the purpose of providing funds for the Project and related cost, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer, contingent upon the passage of the Fiscal Year 2005 Capital Improvements Program and Appropriation Ordinance Budget;

Approving the use of City Forces on the Project for the purpose of insuring existing service to the commercial residential areas during construction of the replacement pipelines along La Jolla Boulevard for a cost not to exceed \$760,000;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfers excess budgeted funds, if any, to the appropriate reserve. (BID K041963C)

Subitem-B: (R-2004-1067) ADOPTED AS RESOLUTION R-299107

Approving final Mitigated Negative Declaration LDR No. 11847;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION:

On 1/14/2004, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The Torrey Pines Rd/La Jolla Blvd Water Main Replacement Project replaces a total of approximately 31,900 lineal feet (L.F.) of the existing cast iron (C.I.) water main within the La Jolla and Pacific Beach communities. The Project was divided into three separate projects distinguished by phases. Phase 1, replaced the waterline between La Jolla Shores Drive and Exchange Place in Torrey Pines Road, and construction was completed in May 2002. Phase 2 (this project), will replace approximately 15,000 L.F. of C.I. with PVC pipe between Exchange Place and Pacific Beach Drive. This Project was analyzed in an MND (Project No. 11847), which was adopted by council on February 9, 2004. During the design of Phase 2, it was discovered that the Engineering and Capital Projects Department had a concurrent sewer projects on La Jolla Blvd. between Camino De La Costa and Forward Street. In order to provide a safe and reliable water supply and to minimize inconvenience to the Bird Rock Community, a portion of the Phase 2 segment was accelerated and is now in construction, as of January 2004. Design services for Phase 3 were approved by City Council (R-298834) on February 2, 2004 to replace approximately 4,000 L.F. of existing 16-inch C.I. pipeline. The pipeline is located on La Jolla Shores Drive, between the intersection of Avenida De La Playa and Ruelle Monte Carlo.

On January 28, 2002, the City Council approved (R-296014) design services for the Torrey Pines Road/La Jolla Blvd. Water Main Replacement Phase 2 Project to replace the corroded and deteriorated 16-inch cast iron (C.I.) pipe within the La Jolla and Pacific Beach communities. The pipeline was installed in the early 1920's with an intended service life of about 50 years. Although most of the pipelines have lasted much longer they are now deteriorating due to use, age and corrosive soils, and therefore it is in need of replacement. The Water Department will replace the existing 16-inch transmission main with an equivalent pipe size, including tee connections, valves, and other associated work related to the pipe. The replacement pipeline will increase the service reliability of the water distribution system and minimize future water and fire service disruptions, public inconvenience, property damage, and costly repairs caused by the older cast iron water mains. The CIP Program has performed an extensive community outreach program for the project by meeting with the La Jolla Community Planning Association, La Jolla Town Council, Mission Beach Precise Planning Committee, and the Pacific Beach Community Planning Committee. This project was also presented to, and approved by the Natural Resources and Culture Committee at the meeting of January 13, 2004. Work will be scheduled around the holiday and summer moratoriums.

The action is to approve plans and specifications for the construction of the Torrey Pines Road/La Jolla Blvd. Water Main Replacement Project-Phase 2 as advertised by contract services and authorizing the expenditure of \$7,944,130. Also, authorizing City Force work in the amount of \$760,000. The construction is anticipated to begin in Fall of 2004, and completed by Spring of 2006.

FISCAL IMPACT:

The total cost for the Torrey Pines Rd./La Jolla Blvd. Water Main Replacement Project-Phase 2 is \$8,719,890, of which \$775,760 has been previously approved. Funding for this action will be phase funded in FY 05 & 06.

Mendes/Gardner/VB

FILE LOCATION: W.O. 186331

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Inviting Bids for the Construction of Water Group 536 and 538.

(See City memorandum from Frank Belock, Jr. dated 1/20/2004 Centre City Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1058) ADOPTED AS RESOLUTION R-299108

Approving the plans and specifications for the Construction of Water Group 536 and 538 (Project) on Work Order Nos. 184051/184071;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,036,300 from Water Fund 41500, CIP-73-083.0, Annual Allocation Water Main Replacement, for the construction of Water Group 536 and an amount not to exceed \$3,165,135 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, for the construction of Water Group 538, solely and exclusively for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Approving the use of City Forces on the Project for the purpose of additional construction services for a cost not to exceed \$905,000;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K042147C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/28/2004, NR&C voted 4 to 0 to approve the Project. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

Water Group 536 and 538 are part of the City of San Diego's continuing Annual Water Main Replacement Program. This project is located in the Centre City area. It includes the replacement of approximately 10,000 linear feet of ten and twelve inch old and deteriorated cast iron water mains, water services, fire services, and fire hydrants. The streets affected by construction operations within this project are: A Street, B Street, Cedar Street, Union Street, Second Avenue, Third Avenue, and Fourth Avenue as shown on the location maps. Traffic control plans have been prepared for this project and will be implemented during construction. Residents and businesses will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices. Water Group 536 and 538 were presented at the Centre City Development Corporation (CCDC) meetings in May and November 2001, respectively. Also, CCDC, Public Works, performed the plan check review on both projects.

FISCAL IMPACT:

The total estimated cost of this project is \$5,201,435. Funds of \$5,201,435 are available in Water Fund No. 41500, CIP-73-083.0, and Annual Allocation - Water Main Replacement. This project is scheduled to be phase funded over FY 2004 to FY 2005.

City Forces will be used on the Project in the amount of \$905,000 to make connections and perform operational checks for the project. This work is better performed by City Forces to ensure the integrity of the water system.

Loveland/Belock/HR

FILE LOCATION: W.O. 184051/184071

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Inviting Bids for the Construction of Water and Sewer Group 553.

(See memorandum from Frank Belock, Jr. dated 2/3/2004. Clairemont Mesa Community Area. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1068) ADOPTED AS RESOLUTION R-299109

Approving the plans and specifications for the construction of Water and Sewer Group 553 on Work Order Nos. 186221/179691;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of expenditure of any additional Project funding that may become necessary as a result of bid opening for the Project; (b) the City Auditor and Comptroller first furnishes one or more

certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer; Authorizing the expenditure of an amount not to exceed \$3,154,192 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement and \$380,600 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation – Sewer Main Replacement, for the construction of Water and Sewer Group 553, solely and exclusively for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Approving the use of City Forces on the Project for the purpose of additional construction services for a cost not to exceed \$360,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K042105C)

NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION:

On 2/11/2004, NR&C voted 3 to 0 to approve the Project. (Councilmembers Lewis, Madaffer, and Inzunza voted yea. Councilmembers Zucchet and Frye not present.)

SUPPORTING INFORMATION:

Water & Sewer Group 553 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project is located in the Clairemont Mesa area. It includes the replacement of approximately 8,200 linear feet of 8 and 10-inch old and deteriorated cast iron water mains and 2,000 linear feet of 8-inch old and deteriorated VC sewer mains, water and sewer services and fire hydrants. The streets affected by construction operations within this project are: Morena Boulevard, Little Field Street, Goldfield Street, Frankfort Street, Lehigh Street, Gaveston Street, and Bervy Street as shown on the Location Map. Traffic control plans have been prepared for this project and will be implemented during construction. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices. This project was presented at the Clairemont Mesa Planning Committee on January 20, 2004.

FISCAL IMPACT:

The total estimated cost of this project is \$3,534,792. Funds of \$3,154,192 are available in Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and \$380,600 are available in Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project is scheduled to be phase funded over FY 2004 to FY 2005.

City Forces will be used on the Project in the amount of \$360,000 to make connections and perform operational checks for the project. This work is better performed by City Forces to ensure the integrity of the water system.

Loveland/Belock/HR

FILE LOCATION: W.O. 186221/179691

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Two actions related to Inviting Bids for the Construction of Sewer and Water Group 666.

(See memorandum from Frank Belock, Jr., dated 3/2/2004. Peninsula Community Area. District-2)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1066) ADOPTED AS RESOLUTION R-299110

Approving the plans and specifications for the construction of Sewer and Water Group 666 (Project) on Work Order Nos. 173871/183731;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds

necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,528,327 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation – Sewer Main Replacement, an amount not to exceed \$1,105,339 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Approving the use of City Forces on the Project for the purpose of providing additional services related to this project for a cost not to exceed \$146,920 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement and for a cost not to exceed \$42,500 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation – Sewer Main Replacement, for a total amount not to exceed \$189,420;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K04473C)

Subitem-B: (R-2004-1083 Cor. Copy) ADOPTED AS RESOLUTION R-299111

Certifying that Mitigated Negative Declaration LDR No. 3541 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Sewer and Water Group 666 (Project);

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/17/2004, NR&C voted 4 to 0 to approve the project. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

Sewer & Water Group 666 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project will include the installation of 6,247 feet of 8-inch sewer main and approximately 3,960 feet of 8-inch and 550 feet of 12-inch water main. It also calls for the construction of 38 curb ramps, and slurry sealing and concrete replacement of the impacted City streets and alleys. The contractor will be required to highline alleys outlined in the plans before sewer construction, and provide traffic control plans for the entire project area.

The following streets will be affected by construction: Adair Street, Devonshire Drive, Froude Street, Osprey Street, Guizot Street, and numerous allies between Adair Street and Alhambra Street and between Guizot Street and Hill Street. Residents will be notified by the City, via mail, at least one (1) month prior to construction, and at least ten (10) days before the start of construction by the contractor through hand distribution. Sewer & Water Group 666 is scheduled to commence November 2004.

During the 75% design stage, the Project Manager and Project Engineer attended one community meeting on April 18, 2002. Additionally, a follow-up letter was sent to the Community Chair at the 90% design stage.

FISCAL IMPACT:

The total estimated cost of this project is \$3,633,666. Funding of \$2,528,327 is available in Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation – Sewer Main Replacement, and \$1,105,339 is available in Water Fund No. 41500, CIP-73-083.0, Annual Allocation – Sewer Main Replacement, for this purpose. A total of \$189,420 for City Force Work of which \$42,500 is for City Forces to highline before sewer construction and \$146,920 for City Forces to make temporary cuts and plugs, connections and perform operation checks. This project will be phase-funded in FY 2004 and FY 2005.

Loveland/Belock/HR

FILE LOCATION:

W.O. 173871/183731

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Inviting Bids for the Construction of Sewer Group 737.

(See memorandum from Frank Belock, Jr. dated 3/2/2004. College Community Area. District-7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1059) ADOPTED AS RESOLUTION R-299112

Approving the plans and specifications for the construction of Sewer Group 737 (Project) on Work Order No. 177171;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,570,475 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation – Sewer Main Replacement, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K041909C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/17/2004, NR&C voted 4 to 0 to approve the Project. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

Sewer Group 737 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project is located in the College Area. It includes the replacement of approximately 7,100 linear feet of 6-inch and 8-inch old and deteriorated VC and CP sewer mains, sewer services, curb ramps, and pavement replacement. The streets affected by construction operations within this project are: El Cajon Boulevard, 55th Street, Alice Street, 58th Street, El Cerrito Drive, Siesta Drive, and Cajon Way as shown on the Location Map. Traffic control plans have been prepared for this project and will be implemented during construction. Residents and businesses will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices. This project was presented to the College Area Land Use Committee on September 3, 2003, and was presented to the College Area Business Improvement District (BID) on October 1, 2003.

FISCAL IMPACT:

The total estimated cost of this project is \$2,570,475. Funds of \$2,570,475 are available in Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project is scheduled to be phase funded over FY 2004 to FY 2005.

Loveland/Belock/HR

FILE LOCATION: W.O. 177171

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Black Mountain Trails System.

(Black Mountain Ranch Community Area. District-1.)

(Continued from the meeting of 4/12/2004, Item 110, at the request of Councilmember Peters, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-985) ADOPTED AS RESOLUTION R-299113

Vacating a 44-foot wide portion of the open space easement located on Lot C of Black Mountain Ranch Unit No. 12 of Map No. 14097;

Reserving a general utility and access easement over the same 44-foot wide portion of property located on Lot C of Black Mountain Ranch Unit No. 12 of Map No. 14097;

Authorizing the City Manager to enter into an agreement with Pardee Homes to convey to Pardee Homes an approximately 35-foot-wide by 900-foot-long parcel located immediately west of and adjacent to Camino de la Luna in Lot C of Black Mountain Ranch Unit No. 12 of Map No. 14097, in exchange for the agreement of Pardee Homes to landscape, irrigate, and maintain the property as open space, and construct and maintain a public trail system on the west side of Camino de la Luna.

CITY MANAGER SUPPORTING INFORMATION:

By deed dated December 7, 2000, the City took title to a 35 foot wide by 900 foot long parcel in the Black Mountain Ranch Community. The property is dedicated by deed to open space use. This parcel transfer was a mapping requirement of the Santa Luz development. The parcel lies immediately west of and adjacent to Camino de la Luna and consists entirely of manufactured slopes, with no vegetation. It fronts a planned residential development, "Fairbanks Summit," by Pardee Homes.

Pardee requires a driveway and utility easement over a small portion of the open space parcel for access to the affordable housing project to the west, "Fairbanks Summit." Staff is proposing to vacate the open space dedication over the 44-foot driveway portion, reserve a general utility and access easement over for the driveway (see City drawing 19898-1-B), and relinquish ownership of the entire parcel to the developer of the adjacent project. The property will retain the open space restriction over the parcel (except for the driveway), and in exchange for the City's transfer of ownership, the developer will landscape the property with ornamental plant material and irrigate the slope parcel as part of the development, and accept all future maintenance. Also, the

developer will assume responsibility for the construction and maintenance of a portion of the public trail system on the west side of Camino de la Luna.

This proposal will assure the development of a trail system in this area, preserve open space through an open space easement, relieve the City of maintenance responsibility over the manufactured slopes, and provide for driveway access to the affordable housing project.

FISCAL IMPACT:

None.

Herring/Griffith/BLM

FILE LOCATION: DEED F-9721

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea..

* ITEM-106: Funding for Legal Services of Luce Forward Hamilton & Scripps Regarding Gleason v. San Diego City Employees' Retirement System (SDCERS), Et Al.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1003) ADOPTED AS RESOLUTION R-299114

Authorizing the City Attorney to execute an amendment to the Fee Agreement with Luce Forward Hamilton & Scripps, for an additional amount not to exceed \$200,000 to provide certain legal services in connection with the Gleason, et al. v. San Diego City Employees' Retirement System, and City of San Diego, et al., San Diego Superior Court Case No. GIC 803779.

Aud. Cert. 2400935.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: City of San Diego “6 to 6” Extended School Day Program Funding.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1030) ADOPTED AS RESOLUTION R-299115

Authorizing the City Manager to accept additional State of California Department of Education grant funds (After School Education and Safety Program (ASESP) state grant funds) awarded to San Diego’s “6 to 6” Extended School Day Program and to enter into agreements to expend these funds beginning FY 2004 through FY 2006 for an amount not to exceed \$245,744 per year, for a three year total of \$737,232;

Authorizing the City Manager to amend the 2004 Memorandum of Understanding (MOU) with the San Diego Unified School District to reflect the additional grant funds;

Declaring that the additional funding for the City of San Diego’s “6 to 6” program is contingent upon execution of San Diego Unified School District’s MOU.

CITY MANAGER SUPPORTING INFORMATION:

On June 3, 2003 City Council adopted R-298024 to accept State of California Department of Education grant funds for Fiscal Years 2003 through 2007. Subsequent to the adoption, additional funds have been granted for Fiscal Years 2004 through 2006. This expansion represents \$245,744 additional grant funds per year for FY 2004, 2005 and 2006, for a three year total of \$737,232. These grant funds are passed to the City by San Diego Unified School District via a Memorandum of Understanding (MOU). Expansion funds were granted to existing “6 to 6” Program sites that have a need for additional funds to serve the children on waiting lists. These expansion funds were granted for use at: Balboa Elementary, Carson Elementary,

Chesterton Elementary, Chollas Elementary, Crown Point Elementary, Cubberly Elementary, Juarez Elementary, Kimbrough Elementary, Lafayette Elementary, Lee Elementary, Linda Vista Elementary, Nye Elementary, Oak Park Elementary, Ocean Beach Elementary, Rosa Parks Elementary and Roosevelt Middle School. These expansion funds will add approximately 270 “6 to 6” program slots for children at these sixteen school sites during Fiscal Years 2004, 2005 and 2006.

Therefore, it is requested that City Council accept these additional grant funds, approve the amendment of our Memorandum of Understanding with San Diego Unified School District, and authorize the City Manager to enter into agreements to expend these funds beginning in FY 2004.

Herring/Cunningham/DFP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Pacific Beach Elementary School Joint Use Improvements Project.

(Pacific Beach Community Area. District-2.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1052) ADOPTED AS RESOLUTION R-299116

Authorizing the City Manager to execute an agreement not to exceed \$440,082 with C.D.M. Construction, Inc., for the Project;

Authorizing the City Auditor and Comptroller to increase by \$50,000 the Fiscal Year 2004 Capital Improvements Program Budget in CIP-29-658.0, Pacific Beach Elementary School Joint Use Improvements, Fund No. 79507, Pacific Beach Developer Impact Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend \$50,000 from CIP-29-658.0, Pacific Beach Elementary School Joint Use Improvements, Fund No. 79507, Pacific Beach Developer Impact Fees, for the Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Pacific Beach Elementary School is bound by Turquoise Street to the north, Fanuel Street to the east and Tourmaline Street to the south within the Pacific Beach Community Area in Council District 2. The improvement includes the relocation of existing play and sports equipment, and approximately 1.8 acres of irrigated and turfed multi-purpose playing fields.

On February 9, 2003 Council authorized the City Manager to enter into a Joint Use Agreement with the San Unified School District at the Pacific Beach Elementary School site (0-19259). The Agreement provides for the City to design, construct, operate and maintain approximately 1.8 acres of multi-purpose turfed playing fields on the school site.

The project was advertised and C.D.M. Construction, Inc. has been recognized as the apparent low bidder. The low bidder's estimate is about 11% higher than what is available in funding. Additional funds in the amount of \$50,000 are needed in order to award construction of the project.

FISCAL IMPACT:

The total project cost is estimated to be \$570,200. Additional funds, in the amount of \$50,000 are available in Fund No. 79507, Pacific Beach Developer Impact Fees.

Herring/Oppenheim/AP

Aud. Cert. 2400990.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-109: Consultant Agreement with Kimley-Horn and Associates for District Three Sidewalk Study.

(Greater Golden Hill (including South Park), Greater North Park, and Mid City (including Normal Heights) Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1027) ADOPTED AS RESOLUTION R-299117

Authorizing the City Manager to execute an Agreement with Kimley-Horn and Associates in an amount not to exceed \$205,000, for the purpose of providing an engineering study for District Three Sidewalk Study (Project), contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the expenditure of an amount not to exceed \$226,000 from CIP-52-346.0, District Three Sidewalk Study, for the purpose of providing funds for the above-referenced Project and related administrative costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The District Three Sidewalk Study, CIP-52-346.0, will provide for an engineering study to evaluate existing street and sidewalk deficiencies and recommend mitigation repair, cost, and phasing of the repair work. The areas of study will be located in Normal Heights, South Park, and Greater North Park and will be determined by Community and City Staff input. The engineering study will be performed by Kimley-Horn and Associates engineering consultants subject to the agreement. Kimley-Horn and Associates was selected in accordance with Council Policy 300-07 and Administration Regulation 25.60.

FISCAL IMPACT:

The total fee for professional services under this Agreement is \$205,000. Funds for this action are available in CIP-52-346.0, District Three Sidewalk Study, of which \$70,000 is from CDBG

Fund 18537, \$30,000 is from CDBG Fund 18538, and \$105,000 is from Fund 63022, Private and Other Contributions to CIP.

Loveland/Belock/PB

Aud. Cert. 2400949.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Cooperative Agreement with Arco and Chevron for Traffic Signal at Harbor Drive and Schley Street.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1029) ADOPTED AS RESOLUTION R-299118

Authorizing the City Manager to execute a Cooperative Agreement with Arco and Chevron, to accept an amount not to exceed \$60,000 from each corporation for a total of \$120,000, for the purpose of funding the design and construction of a traffic signal at Harbor Drive and Schley Street (Project), and depositing these funds in Fund 63022, Private and Developer Contributions CIP;

Authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Metropolitan Transit Development Board (MTDB) to accept an amount not to exceed \$10,000 for the above-referenced Project, and depositing these funds in CIP-68-010.0, Traffic Signals-Citywide, Fund No. 63022;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$10,000 from CIP-58-001.0, Annual Allocation – New Development, Fund No. 30300, to CIP-68-010.0, Fund No. 30300;

Authorizing the City Auditor and Comptroller to increase the FY 2004 budget in CIP-68-010.0 by \$130,000 to accommodate the new funds;

Authorizing the appropriation and expenditure of an amount not to exceed \$10,000 from CIP-68-010.0, Fund No. 30300, and \$130,000 from CIP-68-010.0, Fund No. 63022, for the purpose of providing funds for the above-referenced Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess funds, if any, to Arco and Chevron.

CITY MANAGER SUPPORTING INFORMATION:

Schley Street provides access between Interstate 5 and the fuel storage terminals of Arco and Chevron on the west side of Harbor Drive. Traffic on southbound Schley Street is currently controlled by a stop sign. During peak traffic periods on Harbor Drive, vehicles at the Schley Street stop sign, including fuel trucks, can be stopped across the nearby railroad tracks which are used by both the San Diego Trolley and freight trains. The City, Metropolitan Transit Development Board (MTDB), ARCO, and Chevron have concurred that a traffic signal at this intersection would allow fuel truck and other vehicles to clear the railroad tracks in a more expeditious manner. To that end, a three-party Cooperative Agreement between the City and the two petroleum companies has been prepared to fund, design, and construct a traffic signal at Harbor Drive and Schley Street. A separate Memorandum of Understanding between the City and MTDB has also been prepared. Under these agreements, the City and MTDB will each contribute \$10,000 to the project with Arco and Chevron contributing 50% of the remaining cost, up to \$60,000 each. Any funds remaining upon completion of the project will be returned to Arco and Chevron in equal amounts.

At the time MTDB drafted and signed its agreement for its \$10,000 flat contribution, the original estimated cost of this signal was \$121,360. Subsequently, this cost estimate was (has been) revised to approximately \$130,000 which is the estimate that appears in the agreements with Arco and Chevron. While staff anticipate this estimate will be sufficient as \$10,000 contingency has been added to accommodate any unforeseen field conditions. Thus, the current estimate for the project is \$140,000. Sufficient funding is available as noted below.

FISCAL IMPACT:

Total estimated project cost is \$140,000 from CIP-68-010.0; Traffic Signals-Citywide. \$10,000 will be transferred from CIP-58-001.0, Annual Allocation -New Development, Fund 30300 and \$10,000 will be donated by MTDB. Arco and Chevron are each contributing 50% of the remaining cost, up to \$60,000 each.

Loveland/Belock/VW

Aud. Cert. 2400942.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-111: Participation Agreement with Naval Housing Developer for the Design and Construction of the Wastewater Mains at the Liberty Station.

(See City Manager Report CMR-04-076. Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-663) ADOPTED AS RESOLUTION R-299119

Authorizing the City Manager to enter into a Participation Agreement with San Diego Family Housing, LLC., for reimbursement of costs associated with the design and construction of approximately 1900 linear feet of 36" sewer main at the Liberty Station (Naval Training Center) for an amount not to exceed \$2,080,843;

Authorizing the expenditure of an amount not to exceed \$2,115,843 from Sewer Revenue Fund No. 41506, CIP-44-001.0, Sewer Main Annual Allocation, for the purpose of funding the Participation Agreement, in-house engineering, and related costs.

FILE LOCATION: MEET (67)

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-112: Grant Application to State of California Watershed, Wildlife and Parks Improvement Bond Act of 2000 - Urban and Community Forestry Program (CFP) for Tree Plantings at Various Community Development Block Grant (CDBG) Eligible Park Sites.

(Greater North Park, City Heights, Eastern, Southeastern, Skyline/Paradise Hills, Clairemont Mesa, Kearny Mesa, Linda Vista, Serra Mesa, Barrio Logan, Otay Mesa/Nestor, and San Ysidro Community Areas. Districts-3, 4, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1038) ADOPTED AS RESOLUTION R-299120

Authorizing the City Manager to apply to the State of California Watershed, Wildlife and Parks Improvement Bond Act of 2000 - Urban and Community Forestry Program (CFP), awards grants to local public agencies for the funding of tree plantings at various Community Development Block Grant (CDBG) eligible park sites (Grant Program), for the Grant for the Project;

Authorizing the City Manager to take all necessary actions to secure the Grant and to negotiate and execute all agreements necessary to comply with the CFP's grant requirements;

Authorizing the City Manager to accept the Grant, if they are secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant;

Authorizing the City Auditor and Comptroller to add CIP-29-867.0, Proposition 12 Tree Planting Grant – Various Parks, to the Fiscal Year 2004 Capital Improvements Program;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to transfer an amount not to exceed \$21,320 from Fund No. 18539, Community Development Block Grant Funds, to CIP-29-867.0, Proposition 12 Tree Planting Grant – Various Parks;

Authorizing an increase in the FY 2004 Capital Improvement Program Budget by \$63,570 in CIP-29-867.0, Proposition 12 Tree Planting Grant – Various Parks, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend an amount not to exceed \$63,570 from CIP-29-857.0, Proposition 12 Tree Planting Grant – Various Parks;

Declaring that the Council has, or will have, sufficient funds to operate and maintain the Project;

Declaring that the Council has CDBG funds available to begin the Project;

Certifying that the Council will expend the grant funds prior to March 1, 2007.

CITY MANAGER SUPPORTING INFORMATION:

The State of California has enacted Proposition 12 Watershed, Wildlife and Parks Improvement Bond Act of 2000, which provides funds to the State of California for urban forestry programs. The program is managed through the State Department of Forestry and Fire Protection's Urban and Community Forestry Program.

This action authorizes the City Manager to submit a competitive grant proposal to the State Department of Forestry and Fire Protection's Urban and Community Forestry Program to fund tree plantings at various community and neighborhood park sites. This grant proposal will assist in funding the planting of up to 350 trees at various Community Development Block Grant (CDBG) eligible park sites within the City of San Diego's Park System. This will help to broaden age diversity in the urban forest and reforest areas that have experienced significant tree loss due to disease, drought, and age. It is the goal of the Park Forestry program to increase species and age diversity, increase canopy coverage and provide shade to park user groups. This action will leverage the City's CDBG funding for tree planting and assist in building our community forest.

FISCAL IMPACT:

Total project cost estimate is \$63,570. The grant request is \$42,250 from the Proposition 12 Watershed, Wildlife and Parks Improvement Bond Act of 2000. The balance of the funds required to complete the project, \$21,320, are available in the FY 2004 Citywide CDBG allocation to the Community Forest Initiative, and exceed the minimum local match of 25% of the grant award.

Herring/Oppenheim/CH

Aud. Cert. 2401006.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: San Diego County Multi-Jurisdiction Hazard Mitigation Plan.

(See City Manager Report CMR-04-054.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1062) ADOPTED AS RESOLUTION R-299121

Adopting the San Diego County Multi-Jurisdiction Hazard Mitigation Plan;

Authorizing the City Manager, Director of Homeland Security, or the duly designated representative, to implement the Plan.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 3/17/2004, PS&NS voted 5 to 0 to approve the report and forward it to the City Council. (Councilmembers Zucchet, Atkins, Lewis, Maienschein, and Frye voted yea.)

SUPPORTING INFORMATION:

The Disaster Mitigation Act of 2000, signed into law on October 30, 2000 (Public Law 106-390), requires all jurisdictions to have an approved hazard mitigation plan in place prior to November 1, 2004, in order to qualify for hazard mitigation program grants and post disaster mitigation monies. The Federal Emergency Management Agency (FEMA) was charged with implementation of the Act through Part III Federal Register 44CFR Parts 201 and 206. The law requires the identification and assessment of risks related to disasters, implementation of adequate measures to reduce losses, and assurance that critical services and facilities will continue to function after a disaster. Approval of this Plan meets the requirements of this law. Planning team members from various City departments developed the specific goals, objectives, and action items within this plan applicable to the City of San Diego after reviewing the current capabilities of the City to lessen the impact of natural disasters. These goals, objectives, and action items will enhance public awareness and understanding, create a decision tool for management, provide compliance with State and Federal program requirements, enhance local policies for hazard mitigation capabilities, provide inter-jurisdictional coordination of mitigation related programming, and achieve regulatory compliance.

The Plan, which was presented to the public at the Valencia Park/Malcolm X Branch Library on January 28th, and at the Scripps Ranch Branch Library on February 4, 2004, was unanimously approved by the Public Safety & Neighborhood Services Committee on March 17, 2004.

FISCAL IMPACT:

The implementation of many of the City of San Diego's goals, objectives, and action items will be accomplished through the use of operating funds identified through the annual budgeting process. The remaining items will be accomplished with federal or state grant funding.

Arellano/Lee/DF

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Dissolution of the Mid-City Development Corporation (MCDC).

(Mid-City and City Heights Community Areas. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1055) ADOPTED AS RESOLUTION R-299122

Approving and authorizing the dissolution of Mid-City Development Corporation (MCDC).

CITY MANAGER SUPPORTING INFORMATION:

On June 8, 1992, by Resolution R-280096, the City Council established the City Heights Development Corporation, a public non-profit Corporation. On October 27, 1992, by Resolution R-280971, the City Council changed the name of City Heights Development Corporation to the Mid-City Development Corporation (MCDC). The corporation was established to manage the day to day operations of the City Heights Redevelopment Project Area. During the first few years, enough tax increment was generated by the project area to fund MCDC. However, the real estate recession in the early to mid 1990's decreased tax increment to zero and the organization was no longer financially viable. MCDC stopped operations in 1996, yet the Board of Directors has remained in place since that time and has not been officially dissolved.

MCDC has become a dormant public corporation and is no longer involved in the planning or implementation of redevelopment projects. Its originally intended functions have been taken over by the City of San Diego Redevelopment Agency. The MCDC Board of Directors has recommended that the City Council officially dissolve MCDC.

The Board of Directors has also issued a "Certificate of Election to Wind Up and Dissolve" (Attachment A) and a "Certificate of Dissolution" (Attachment B). These certificates confirm that the corporation has been completely wound up, is dissolved, its known debts and liabilities have been actually paid, and the known assets have been distributed to the persons entitled thereto.

Herring/Cunningham/ML

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Reappointments to the Mission Bay Park Committee.

(See memorandum from Mayor Murphy dated 3/29/2004, with resumes attached)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1006) ADOPTED AS RESOLUTION R-299123

Council confirmation of the following reappointments by the Mayor to serve as members of the Mission Bay Park Committee, for terms ending March 1, 2006:

<u>NAME</u>	<u>CATEGORY</u>
Wayne Blum	Lessee, Hotel Representative
Ted Jardine	Lessee – Other than a hotel
Donald Peterson	Stakeholder – OMBAC
Richard Miller	Environmental Organization – Sierra Club
Chris Rink	Clairemont Mesa Planning Group
Margaret Pamela Glover	Mission Beach Precise Planning Board
Mindy Pellissier	Ocean Beach Planning Board
Catherine Strohlein	Pacific Beach Community Planning Committee

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-116: Results of March 2, 2004 Municipal Primary and Special Elections.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1040) ADOPTED AS RESOLUTION R-299124

Declaring the results of the Municipal Primary Election and the Special Municipal Election held in the City of San Diego on March 2, 2004.

SUPPORTING INFORMATION:

A Municipal Primary Election and a Special Election were held March 2, 2004, for the purpose of submitting candidates for the offices of Mayor and City Attorney to the voters of the City of San Diego; and for the purpose of submitting candidates for the office of Councilmember for Districts One (1), Three (3), Five (5) and Seven (7) to the voters of each of those Council Districts; and for the purpose of submitting two ballot measures to the voters of the City of San Diego. The results of these elections have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

Abdelnour

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-117: Bruce G. Brown Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1077) ADOPTED AS RESOLUTION R-299125

Recognizing Bruce G. Brown for his dedicated service on the San Diego Planning Commission and for his many efforts to make San Diego a city worthy of our affection;

Proclaiming April 22, 2004 to be "Bruce G. Brown Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-118: Metro Career Center Grand Opening Day.

MAYOR MURPHY'S AND DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1074) ADOPTED AS RESOLUTION R-299126

Recognizing the grand opening of the Metro Career Center and commending the Workforce Partnership and all of its partners in the center for their commitment to workforce development throughout the San Diego region;

Proclaiming April 17, 2004 to be "Metro Career Center Grand Opening Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-119: Ramona Salisbury Kiltz Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1084) ADOPTED AS RESOLUTION R-299127

Thanking Ramona for her continued dedication to improving the quality of life for others;

Proclaiming April 29, 2004 to be "Ramona Salisbury Kiltz Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-120: George Walker Smith Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1085) ADOPTED AS RESOLUTION R-299128

Proclaiming April 29, 2004 to be "George Walker Smith Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-121: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-516) ADOPTED AS RESOLUTION R-299129

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: Gen'l – State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-122: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-761) ADOPTED AS RESOLUTION R-299130

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: Gen'l – State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-123: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-763) ADOPTED AS RESOLUTION R-299131

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: Gen'l – Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- * ITEM-124: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-544) ADOPTED AS RESOLUTION R-299132

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: Gen'l – State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: FY 2005 Community Development Block Grant (CDBG) Program Funding.

(Continued from the meeting of 4/20/2004, Item 330, Subitem-B, at the request of City Manager to allow time for discussion and action by Council.)

NOTE: Testimony taken on 4/20/2004. The public testimony portion of the hearing was closed.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1037) ADOPTED AS RESOLUTION R-299133

Approving and appropriating the funding allocations for the FY 2005 Community Development Block Grant (CDBG) Program, contingent upon certification of funds availability by the City Auditor and Comptroller, and that those projects funded are to be incorporated into the City's FY 2005 CDBG Action Plan;

Authorizing the City Manager to submit the FY 2005 - 2009 Consolidated CDBG Action Plan to the U.S. Department of Housing and Urban Development, and upon acceptance, execute a grant agreement for Federal Fiscal Year 2004 Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Housing Opportunities for People with Aides (HOPWA), and HOME Investment Partnership (HOME), and the American Dream Downpayment Initiative (ADDI) Funds;

Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to reprogram funding from prior year CDBG funded projects to FY 2005 projects, as adopted by City Council, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Executive Director of the San Diego Housing Commission to negotiate and execute agreements with all funded programs whose allocations the City Manager asks the San Diego Housing Commission to administer, contingent upon certification of funds availability by the City Auditor and Comptroller.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:07 p.m. – 6:07 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/28/2004	158	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee.
Wednesday	6/16/2004	139	Rules Committee review of ballot proposals.
Monday	6/21/2004	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee.
Monday	6/28/2004	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	through 7/19/2004	to 106	
Monday	7/26/2004	99	Council adopts ordinances prepared by City Attorney.
Friday	8/06/2004	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	8/19/2004	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

ITEM-251: **Notice** of Pending Final Map Approval – “Pacific Highlands Ranch Unit No. 16.”

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Pacific Highlands Ranch Unit No. 16" (T.M. No. 1693), located northeasterly of future SR-56 and Carmel Valley Road in the Carmel Valley Community Plan area in Council District 1, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Carmel Estates Unit No. 2

COMMUNITY AREA

Carmel Valley

Scripps Ranch North Phase 3
Planning Area 4350

Scripps Ranch North

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-253: Settlement of Contractual Disputes of Archer Western Contractors – Black Mountain Road Pipelines Project.

(R-2004-1070)

Adopted as Resolution R-299082.

A Resolution approved by the City Council in Closed Session on Tuesday, April 13, 2004, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-not present; Frye-yea; Madaffer-not present; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$150,000 in the settlement of each and every claim against the City, its agents and employees, arising from contractual disputes in Water Fund 41500, CIP-73-341.0, and CIP-70-954.0 and CIP-70-954.1, Black Mountain Road Pipelines Project (formerly known as Rancho Bernardo No. 2 Pipeline and Black Mountain Ranch Reclaimed Water Pipeline Projects), (Superior Court Case No. GIC 825892, Archer Western Contractors v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$150,000, made payable to Archer Western Contractors and their attorney of records, Ted R. Gropman, in full settlement of all claims.

Aud. Cert. 2400984.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-S400: Voices for Children Week.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1117) ADOPTED AS RESOLUTION R-299104

Recognizing Voices for Children for its dedication to help and care for children in San Diego County's foster care system, and commending volunteer Court Appointed Special Advocates for working to make a difference in the lives of many children in our community;

Proclaiming April 25-30, 2004 to be "Voices for Children Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:33 p.m.)

MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: C.S. Keys Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-1097) ADOPTED AS RESOLUTION R-299134

Commending C.S. Keys for the exceptional service and commitment he has given to all communities in San Diego, California;

Proclaiming April 26, 2004 to be "C.S. Keys Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:38 p.m.)

MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S402: Local Assistance Center Staff Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1121) ADOPTED AS RESOLUTION R-299135

Declaring April 26, 2004 to be "Local Assistance Center Staff Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:45 p.m.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S403: Sherman Heights/Grant Hill Revitalization Team Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1034) ADOPTED AS RESOLUTION R-299136

Proclaiming April 26, 2004 to be "Sherman Heights/Grant Hill Revitalization Team Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:45 p.m. – 2:52 p.m.)

MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S404: In the Matter of an Offer by the City of San Diego to the San Diego Chargers to Settle Litigation (Chargers Football Company, LLC v. City of San Diego).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1129) ADOPTED AS RESOLUTION R-299137

Authorizing and directing the City's negotiating team to convey to the Chargers the Term Sheet;

Authorizing and directing the City's negotiating team to immediately commence negotiations with the Chargers for the specific terms of an amendment to the Agreement consistent with the Term Sheet (Amendment), to be presented to and considered by the City Council at a subsequent public hearing, and which shall not become effective until approved by the City Council as required by law;

Declaring that the Term Sheet is specifically conditioned upon the approval of the Amendment by the City as required by law, and approval of the Amendment by the Chargers, and that if the City and the Chargers do not each approve the Amendment, then the rights and obligations of the City and the Chargers shall continue to be governed by the terms and conditions of the Agreement;

Authorizing and directing the City Manager to execute a Fifth Supplement to the Agreement which shall extend the Negotiating Period to and including June 15, 2004.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 3:08 p.m. – 6:07 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-nay, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:09 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:09 p.m.)